

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:14-cv-00600-MOC

<b>ERIC WHITENER,</b>	)	
	)	
Petitioner,	)	
	)	
Vs.	)	ORDER
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Respondent.	)	

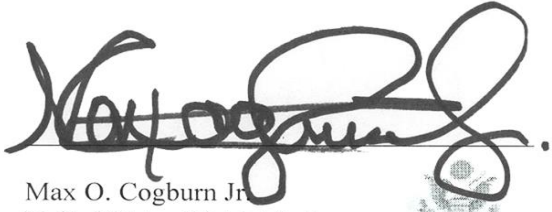
**THIS MATTER** is before the court on petitioner's Motion to Reconsider this Court's Finding that the Government's Late Submission Was Excusable Neglect, as Well as This Court's Finding that Exhibit 1A Was Admissible (#54). Finding no basis for reconsideration, petitioner's motion is denied. Also before the court is plaintiff's Motion for Subpoena (#53), asking the court to subpoena the Assistant United States Attorney concerning ex parte communications with the court concerning "how she should file a notice [of] conforming exhibits." Such request is frivolous as this court, while fielding procedural questions, does not advise parties on substantive matters. Indeed, this court was actually surprised by the volume of the government's filing; however, such filing did meet the basics for admissibility as the "best evidence" drawn from business records kept by a government agency. Petitioner is again advised that he should now concentrate his efforts on his Reply.

**ORDER**

**IT IS, THEREFORE, ORDERED** that petitioner's Motion to Reconsider this Court's Finding that the Government's Late Submission Was Excusable Neglect, as Well as This Court's

Finding that Exhibit 1A Was Admissible (#54) and petitioner's Motion for Subpoena (#53) are  
**DENIED.**

Signed: January 5, 2016



Max O. Cogburn Jr.  
United States District Judge